

### **REMARKS**

Please reconsider the present application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering the present application.

#### **Disposition of Claims**

Claims 1-20 are pending in the present application. Claims 4-6 and 9-20 were withdrawn by the Examiner as being directed to a non-elected subject matter. Claim 1 is independent. Claims 2, 3, 7, and 8 depend directly from claim 1.

#### **Claim Amendments**

Claim 1 has been amended by this reply to clarify the recited invention. Support for these amendments can be found in the specification, e.g., page 1, paragraphs [0003] and [0004], and Figs 1-4. No new matter has been introduced.

#### **Abstract Objection**

The Examiner objects to the abstract because the abstract contains phrases that can be implied such as "There is provided," and the abstract exceeds the limit of 150 words. The abstract has been amended by the removal of the improper phrases and by shortening the abstract to 146 words. Therefore, withdrawal of this objection is respectfully requested.

#### **Claim Objection**

The Examiner objects to claim 1 because the phrase “for water tight provided” is unclear. Claim 1 has been amended to read “for a water tight connection is provided” as suggested by the Examiner. Therefore, withdrawal of this objection is respectfully requested.

### **Claim Rejections**

#### Claim 7

Claim 7 is rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, “the surface on the partitioning wall that supports the elastic member” was considered to lack antecedent basis. Claim 1, from which claim 7 depends, has been amended by the addition of “a surface on the partitioning wall that supports the elastic member.” Accordingly, withdrawal of this rejection is respectfully requested.

#### Claims 1-3, 7, and 8

Claims 1-3, 7, and 8 are rejected under 35 USC § 102(b) as being anticipated by US patent 5,904,433 (Kay). Claim 1 has been amended. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.


The present invention is related to a container with an application tool. It may be used for discharging, applying, and storing cosmetics or other such liquid substances. Specifically, amended claim 1 recites “an O-ring elastic member for a water tight connection is provided between a surface on the partitioning wall that supports the elastic member and the application tool head.” In contrast, Kay discloses a container with an application tool having “a

rib or sealing strip projects radially inwardly toward the angled surface from a thin-walled portion of the applicator housing located in confronting opposition to the angled surface.” (Column 3, lines 53-56, Figs. 3A and 3B). The “thin-walled portion of the applicator portion”, however, is not the “O-ring” required by claim 1 of the present application. Therefore, claim 1 is patentable over Kay. Claims 2, 3, 7, and 8 depend from claim 1, therefore, are also patentable over Kay for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591, Reference 07200/065001.

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Respectfully submitted,

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